

Ronald Domian

Reg. 20115-068 * P.O. Box 1000 * Cumberland, MD 21501

October 4, 2004

The Honorable Maurice Cohill Jr.
United States District Judge
Western District of Pennsylvania
633 U.S. Post Office and Courthouse
Pittsburgh, PA 15219

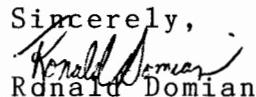
Re: United States v. Ronald Domian
Case No. CR-02-15-007 Erie

Dear Judge Cohill:

On September 8, 2004, I filed an opposition to the government's response to my § 2255 petition. After that filing I gathered an additional evidence as to the counsel's failure to raise the appropriate objection to the PSR's criminal history calculation which directly impacts the arguments.

I was assessed criminal history reports for two summary violations that clearly do not meet the criteria under section 4A1.1(c) (sentencing Guideline Manual). The first was for summary harassment Case No. 2830 of 2000 Erie County Court, sentenced to 90 days probation. The second was for criminal mischief (summary offense) case No. 2036 2002, sentenced to \$ 150.00 fine.

These additional 2 criminal history points placed me in category III instead of II. Resulting in my sentence being greater than the appropriate sentencing guidelines. Since the criminal history calculation was clearly incorrect under 4A1.1(c), it must be assumed that an appropriate correction would have been made had my counsel raised the objection.

Sincerely,

Ronald Domian

cc. Paul Thompson, AUSA (w/ encl.)
files

2000 - 02830 DOMIAN RONALD

Init. Issuing Auth... 00012 LEWIS DENISE STUCK ID# 06306
Docket No. Init Auth. CR - 0000132 - 00

Pre-Sentence Invest..
Trial Commenced Date. 0/00/0000
Trial Judge.....
Sentence/ARD Date.... 5/09/2001
Effect. Date of Snt.. 0/00/0000
Superior Court #.....

Filed/Reopened	Description	Disposition	Disposition Code
10/10/2000	INITIAL FILING	5/09/2001	D GUILTY PLEA

***** ALIAS OR CO-DEFENDANT INFORMATION *****
Alias or Co-Defendant Name Type Case #

***** CHARGE INFORMATION *****
Date Chrg Cnt Section Sub Grd Desc

7/28/00 A 001 CC2701 A1 M2 SIMPLE ASSAULT
Disposition Date..... 0/00/0000
Disposition Description. WAV

***** DOCKET ENTRY INFORMATION *****
Case Type...: CRIMINAL Case Action...: COMPLAINT

----- FIRST ENTRY -----
7/28/00 BOND OF \$2,500 10% POSTED BY ROBERT DODSWORTH

10/10/00 CRIMINAL COMPLAINT FILE FROM D.J. OFFICE.

11/22/00 INFORMATION FILED

12/01/00 WAIVER OF ARRAIGNMENT FILED

3/14/01 MOTION FOR CONTINUANCE FILED BY S TETUAN ESQ

3/14/01 ORDER (DATED 3/8/01) MOTION FOR CONTINUANCE IS GRANTED TO THE NEXT TERM OF COURT S/J. BOZZA JUDGE

5/09/01 DEFENDANT APPEARS IN COURT WITH HIS COUNSEL STEPHEN TETUAN, ESQ BEFOR JUDGE STEPHANIE DOMITROVICH APPEARANCE SIGNED AND FILED DEFENDANT'S STATEMENT OF RIGHTS SIGNED AND FILED THE DEFENDANT PLED GUILTY TO HARASSMENT ON COUNT 1 - SUMMARY
CT. REPORTER - A. MUSCARELLA

5/09/01 DEFENDANT'S ACKNOWLEDGMENT OF POST-SENTENCING RIGHTS SIGNED AND FILED. STEPHANIE DOMITROVICH, JUDGE
CT. REPORTER - A. MUSCARELLA

5/09/01 ORDER OF PROBATION -
CT.1; COSTS; 90 DAYS
300 FINE
DR. KOVAC'S PROGRAM

2002 - 02036 DOMIAN RONALD

- 1/28/03 ORDER DATED 1-27-2003-IT IS ORDERED THAT A WRIT OF HABEAS CORPUS AD PROSEQUENDUM BE ISSUED, DIRECTED TO THE SHERIFF OF ERIE COUNTY AND DIRECTING THAT THE DEFENDANT BE BROUGHT BEFORE THIS COURT AND RETURNED TO THE ERIE COUNTY PRISON. ALL COSTS INCURRED WILL BE PAID BY THE COUNTY OF ERIE. JUDGE ERNEST DISANTIS

 2/03/03 DEFENDANT APPEARS IN COURT WITH HIS COUNSEL/A ARDUINI, ESQ APPEARANCE FILED
 DEFENDANT'S STATEMENT OF RIGHTS FILED & SIGNED
 DEFENDANT PLEADS GUILTY TO CRIMINAL MISCHIEF (SUMMARY OFFENSE)
 BEFORE JUDGE ERNEST DISANTIS
 DEFENDANT'S ACK OF POST SENTENCE & APPELLATE RIGHTS FILED & SIGNED
 COURT REPORTER/G WOOSTER

 2/03/03 SENTENCE - CT 1: COSTS; \$150 FINE
 DISANTIS ERNEST J JR

 2/04/03 FILE TAGGED FOR ELECTRONIC TRANSFER OF AOPC THIRD SHEET
 ----- LAST ENTRY -----

***** COSTS & FINES INFORMATION *****

Case Type...: CRIMINAL

Case Action: COMPLAINT

Description	Costs/Fines	Pd To Date	Amount Due	In Escrow	Last Pymt
AUTOMATION FEE	5.00	.00	5.00	.00	0/00/0000
COURT FEE	23.34	.00	23.34	.00	0/00/0000
USER FEE	10.00	.00	10.00	.00	0/00/0000
CLERKS FEE	30.00	.00	30.00	.00	0/00/0000
SCS FEE	36.15	.00	36.15	.00	0/00/0000
LOCAL FINES	150.00	.00	150.00	.00	0/00/0000
OFF F.E. ACT158	5.00	.00	5.00	.00	0/00/0000
STATE COST	6.33	.00	6.33	.00	0/00/0000
H.B. 627 COST	6.33	.00	6.33	.00	0/00/0000
CVC COSTS	15.00	.00	15.00	.00	0/00/0000
CCC / VWS COST	25.00	.00	25.00	.00	0/00/0000
DVC COSTS	10.00	.00	10.00	.00	0/00/0000
JCS/ATJ FEE	10.00	.00	10.00	.00	0/00/0000
CONT SER SURG	5.00	.00	5.00	.00	0/00/0000
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Cost/Fines Total	337.15	.00	337.15	.00	0/00/0000
Cash Bonds Total	.00	.00	.00	.00	

--- End of Listing ---